

RESOLUTION No. 19-30

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY, GOING FORWARD WITHOUT A RECOMMENDATION OF A TEXT AMENDMENT TO THE CITY OF DORAL LAND DEVELOPMENT CODE BY AMENDING CHAPTER 74 “MISCELLANEOUS AND SUPPLEMENTARY REGULATIONS”, ARTICLE III “SPECIAL SETBACKS AND USES”, DIVISION 2 “SPECIAL SETBACKS”, SECTION 74-105 “SPECIAL SETBACKS ESTABLISHED” PERTAINING TO ZONING REGULATIONS OF PERMANENTLY INSTALLED STAND-BY GENERATORS AND PERGOLAS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City’s Land Development Code provides for special setbacks for accessory structures; and

WHEREAS, in order to permit permanently installed stand-by generators and pergolas, it is in the best interest to amend Section 74-105 of the Land Development Code to provide permanently installed stand-by generators as a permitted ancillary use and to provide setback, size and height limitations; and

WHEREAS, on January 23, 2019, the City Council of the City of Doral sitting as the Local Planning Agency (LPA) at a properly advertised hearing received testimony and evidence related to the Application from the Applicant and other persons and found that the adoption of this Resolution is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA SITTING AS THE LOCAL PLANNING AGENCY THAT:

Section 1. Recital. The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Decision. The proposed text amendment to the Land Development Code is consistent with the Land Development Code and is therefore transmitted to the local governing body (City Council) without a recommendation.

Section 3. Code Amended. The Code Ordinances of the City of Doral is hereby amended as follows:

CHAPTER 52 – GENERAL PROVISIONS

Sec. 52-5. – Definitions.

Pergola. A freestanding structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters. A pergola is built as an outdoor sitting area with lattice or open slat roof for partial shade. Structures with a thatch-type roof, including, but not limited to, tiki huts, shall not constitute a pergola.

CHAPTER 74 – MISCELLANEOUS AND SUPPLEMENTARY REGULATIONS

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ARTICLE III – SPECIAL SETBACKS AND USES

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DIVISION 2. – SPECIAL SETBACKS

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Sec. 74-105. – Special Setbacks Established

| Structure or Building Feature | Special Setback |
|---|---|
| Air conditioning unit | 3.5 feet into setback ⁽¹⁾ |
| Awning ⁽⁹⁾ | Three feet into setback ⁽¹⁾ |
| Balcony, open three sides | Five feet into setback ⁽¹⁾ |
| Boat dock and boathouse | Refer to article VIII of this chapter |
| Canopy, commercial ⁽³⁾ | |
| Bank drive-through | Five feet from side property line |
| Gasoline pump island | Five feet from side property line |
| Other | Five feet from side property line |
| Carport, residential (attached or freestanding) ⁽³⁾ | 15 feet from rear property line five feet from side property line |
| Deck, wood (less than one foot above grade at property line) ⁽²⁾⁽⁶⁾ | Two feet from property line |
| Deck, wood (greater than one foot above grade at property line) ⁽²⁾⁽³⁾ | Two feet from property line, plus two feet for every one foot above grade |

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| Driveways, walkways, and/or any kind of impervious surface, except for townhomes (see Ch. 68, Art. II, Div. 7 MF-1, for townhouses) | Five feet from property line zero feet if surface is pervious |
| Driveway, residential | |
| Expansion of existing drive with pervious and nonpermanent surface | Four feet from property line |
| Fuel storage tank, aboveground ⁽²⁾⁽⁷⁾⁽⁸⁾ | |
| Nonresidential zones | Ten feet from property line |
| Gazebos ⁽⁹⁾ | Permitted only in rear yards; five feet from rear and side property lines |
| Outdoor play equipment ⁽⁷⁾ | 7.5 feet from rear property line |
| Overhang | Three feet into yard ⁽¹⁾ |
| Patio, at grade ⁽²⁾ | Two feet from property line, zero feet if surface is pervious |
| <u>Pergola not larger than 100 square feet and not exceeding 10 feet in height ⁽⁹⁾</u> | <u>Permitted only in rear yards; five (5) feet from rear and interior side property lines; 10 feet from side street</u> <u>Setback shall be measured from the outermost edge of cross rafters, beams or any member of the roof support to the property line.</u> |
| <u>Pergola larger than 100 square feet</u> | <u>Permitted only in rear yards; five (5) feet from rear and interior side property lines; 10 feet from side street</u> <u>Setback shall be measured from the outermost edge of cross rafters, beam or any member of the roof support to the property line.</u> |
| <u>Permanently installed stand-by generators</u> | |
| <u>Residential zones (A maximum of one (1)</u> | <u>Front - behind the front building line</u> |

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| <u>generator may be permitted for a single-family residence, individual duplex unit or individual townhouse unit) ⁽¹¹⁾</u> | <u>Rear – Five feet</u> <u>Interior side – 3 feet</u> <u>Side Street – behind the side street building line</u> |
| <u>Nonresidential zones</u> | <u>Permanent generator must comply with principal building setbacks, except that there shall be no spacing requirement from the principal building to the generator.</u> |
| Pool, swimming ⁽²⁾ | Six feet from property line ⁽⁴⁾ |
| Whirlpool bath ⁽⁹⁾ | Six feet from property line ⁽⁴⁾ |
| Porch | |
| Entry (less than 12 square feet) | Three feet into front or rear yard |
| Covered, open three sides | Five feet from rear property line |
| Screen room, terrace, residential (roof, open three sides or open two sides if dwelling is not parallel to rear lot line) ⁽⁹⁾ | Five feet from rear property line |
| Screen room, residential enclosure (three sides and roof is open) ⁽²⁾⁽⁹⁾ | Three feet from property line |
| Statues, monuments and sculptures ⁽¹⁰⁾ | |
| Residential uses | Five feet from property line for structure not exceeding ten feet in height plus one foot for every one foot in height thereafter |
| Nonresidential uses | Ten feet from property line for structure not exceeding ten feet in height plus one foot for every one foot in height thereafter |
| Storage building ⁽²⁾⁽⁷⁾ | |
| Residential uses (120 square feet or less) | Five feet from property line |
| Residential uses (121 to 300 square feet) | Seven and one half feet from property line |
| Nonresidential uses (250 square feet or | Ten feet from property line |

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| less) | |
| Tennis court, residential ⁽²⁾ | Ten feet from property line |

Notes.

- ⁽¹⁾ In no case shall the special setback exceed 50 percent of the minimum yard dimension.
- ⁽²⁾ Location within required yards permitted in rear and side yards only.
- ⁽³⁾ Setback shall be measured from the leading vertical edge of the structure. Where the structure is movable, creating an adjustable vertical edge, the setback dimension shall be measured from the greatest possible vertical edge.
- ⁽⁴⁾ Structures elevated and attached to the top of aboveground pools shall be set back in accordance with the special setback provisions established for decks in this section.
- ⁽⁵⁾ Location within required yards permitted in rear yards only. Structures may be allowed in side yards provided they are screened from public view by an opaque fence.
- ⁽⁶⁾ Location within the side corner yard is allowed, provided that the deck is screened by an opaque fence.
- ⁽⁷⁾ Location within the required rear yard is prohibited on an atypical lot if structure is greater than four feet in height.
- ⁽⁸⁾ Shall be screened properly from the right-of-way.
- ⁽⁹⁾ For properties less than 5,000 square feet, setback is 18 inches from the rear and side property lines. Rear and interior side setbacks may be reduced to 18 inches provided an affidavit is submitted indicating consent from the owner of the property that directly abuts the property boundary where the reduction is requested. Maintenance and drainage easements must remain clear.
- ⁽¹⁰⁾ Maximum height of the structure shall be no greater than the height of the principal structure up to a maximum height of 35 feet. In no instance shall the size of the structure(s) exceed the maximum building coverage and/or minimum open space requirements established for the zoning district. This section does not regulate structures on publicly owned property. The minimum distance between structures shall be 200 feet.
- ⁽¹¹⁾ Permanently installed generators fueled by propane gas or natural gas not exceeding five (5) feet in height from finished grade to the top of the generator shall be permitted as an accessory use in conjunction with a permitted residential use. Side street setback shall be behind the side street building line, unless completely screened from view by a wall or hedge. In no event shall a permanently installed generator be placed closer than ten (10) feet to the side street property line. These requirements are in addition to all applicable county, state or federal requirements.

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Section 4. Effective Date. This Resolution shall become effective immediately.

The foregoing Resolution was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Councilmember Cabral and upon being put to a vote, the vote was as follows:

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| Mayor Juan Carlos Bermudez | Absent/Excused |
| Vice Mayor Claudia Mariaca | Yes |
| Councilwoman Digna Cabral | Yes |
| Councilman Pete Cabrera | Yes |
| Councilwoman Christi Fraga | Yes |

TRANSMITTED WITHOUT A RECOMMENDATION TO THE LOCAL GOVERNING BODY (CITY COUNCIL) THIS 23 DAY OF JANUARY, 2019.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY